



Constantine P. Economides
(305) 985-2959
ceconomides@dynamisllp.com

July 1, 2025

VIA ECF

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Defendants may proceed with the motion on the following schedule. File motion by July 25. Response due August 29. Reply, if any, due September 12.

Re: **Advanced Flower Capital Inc. and AFC Agent LLC v. Michael Kanovitz and Jon Loevy, No. 1:25-CV-02996-PKC**

Dear Judge Castel:

On behalf of Defendants, Jon Loevy and Michael Kanovitz (the "Defendants"), we respectfully submit this Pre-Motion Letter seeking leave to file a Motion to Dismiss the Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b). Pursuant to Your Honor's Individual Practices, we note that the Court has set an individual pretrial conference for October 24, 2025. See June 9, 2025 Minute Entry. A proposed briefing schedule is included in Section IV below.

*SO ORDERED
VSDJ
7-10-25*

This case is the second of three related lawsuits, all filed this year, and all arising out of the same dispute over the same loan agreement. The first and third of these lawsuits were both filed in the U.S. District Court for the District of New Jersey, on March 7, 2025, and April 17, 2025, respectively. Those suits are being litigated before the Hon. Zahid N. Quraishi, as discussed below.

The Amended Complaint¹ filed by Plaintiffs, Advanced Flower Capital Inc. and AFC Agent LLC (collectively, "AFC" or "Plaintiffs"), states claims against two lawyers, but the dispute arises out of a larger dispute concerning a loan agreement between AFC, as the lender, and several entities partially owned by the two individual defendants. The Amended Complaint alleges breach of contract, tortious interference with contract, fraud, aiding and abetting fraud, and conversion.

I. A Federal District Court Has Already Declared That the Loan Is Not in Default

A. Introduction

Plaintiffs' Amended Complaint is essentially an improper collateral attack on the factual findings and conclusions of law recently issued by a federal judge in the District of New Jersey. See generally *Hayden Gateway LLC and Bloc Dispensary LLC v. Advanced Flower Capital Inc. and AFC Agent LLC*, No. 3:25-CV-02789-ZNQ-JBD (D.N.J.) (hereinafter "*Hayden Gateway*"). That Judge, the Hon. Zahid N. Quraishi, held an all-day evidentiary hearing on May 2, 2025, at which all

¹ Citations to Plaintiffs' Amended Complaint filed in this case will be referenced as "Amend. Compl."